

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JOHNNY JACKSON and LATESIA JACKSON,

Plaintiffs,

VS.

PEOPLES SOUTH BANK f/k/a
PEOPLES COMMUNITY BANK;
LARRY PITCHFORD, et al.,

Defendants.

S

CIVIL ACTION NO.
2:06-CV-00021-WKW

**PLAINTIFFS' MOTION TO STAY RULE 26(F)
CONFERRING & REPORT DEADLINE**

Come now the Plaintiffs, Johnny Jackson and Latesia Jackson, and without waiving any objections that they have raised to this Court's jurisdiction over the case, move this Honorable Court to stay the Rule 26(f) conferencing and report deadlines in this case. As a basis for said motion, Plaintiffs state as follows:

1. This case was removed from the Circuit Court of Barbour County, Alabama, by Defendants. Defendants alleged the removal based on the grounds of diversity jurisdiction.

2. Plaintiffs have objected to Defendants' assertions and filed a motion to remand this case back to state court where it was originally filed.

3. Defendant Pitchford also filed a motion to dismiss or in the alternative for summary judgment. This Court granted Plaintiff's motion for extension of time to file a responsive

pleading to that motion until after the Court has entered its order resolving Plaintiffs' motion to remand.

4. Proceeding with Rule 26(f) conferencing deadlines before this Court has had a chance to rule on the jurisdictional question does not promote the conservation of judicial resources.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs move this Court to enter an order staying the Rule 26(f) conferencing and report deadlines pending a decision regarding Plaintiff's motion to remand the case to the Circuit Court of Barbour County, Alabama.

/s/ Ted Taylor
TED TAYLOR

/s/ Leah O. Taylor
LEAH O. TAYLOR

/s/ Gregory M. Zarzaur
GREGORY M. ZARZAUR

Attorneys for Plaintiffs

OF COUNSEL:

TAYLOR & TAYLOR
2130 Highland Avenue
Birmingham, Alabama 35205
(205) 558-2800 (phone)
taylorlaw9@aol.com (e-mail)
lotaylor@taylorlawyers.com (e-mail)
gz@taylorlawyers.com (e-mail)

CERTIFICATE OF SERVICE

I hereby certify that I have electronically filed this Motion so that service will be sent by the ECMF System via electronic mail to the following on this the 5th day of June, 2006:

Christian W. Hancock, Esq.
chancock@burr.com

Gary Lane Howard, Esq.
ghoward@burr.com

Ricky J. McKinney, Esq.
rmckinne@burr.com

William Jacob Long, IV, Esq.
jlong@burr.com

/s/ Leah O. Taylor
LEAH O. TAYLOR